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EXAMINER

STRONCZER, RYAN S

ART UNIT	PAPER NUMBER
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4157

MAIL DATE	DELIVERY MODE
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10/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/802,043

Applicant(s)

SIE ET AL.

Examiner

Ryan Stronczer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 12 recites the limitation "...wherein the information guides conversion between the first aspect ratio and a third aspect ratio" in the last sentence of the claim. There is insufficient antecedent basis for this limitation as there is no reference for encoding information to facilitate conversion to a third aspect ratio outside of claim 12.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9 and 15-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 9 recites a "computer readable medium," which can be interpreted as an electromagnetic signal. An electromagnetic signal is a form of energy and is not included in at least one of the four statutory categories of invention because it is not a process, machine, manufacture, or composition of matter. Energy does not fall within a

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statutory category since it is clearly not a series of steps or actions to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

Claims 15-19 recite a "computer data signal embodied in a carrier wave." The claimed subject matter is a form of energy and therefore does not fall within at least one of the four statutory categories of invention as stated above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Swart et al. (Pub. No. US 2003/0025832).

Claim 1 recites a video processing method comprising three steps: first "specifying the video conversion information for the video program at a first location, wherein the video conversion information can be used to modify the video program from the first aspect ratio to the second aspect ratio." Swart discloses a system that

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transmits multimedia content to a user; this system incorporates "an encoder that encodes metadata and programs for delivery to the user" [0019] and that the "complete program content file may also includes a reference content or metadata that contains additional information related to the content. Such additional information...may include...format (e.g., 4x3 television or 16x9 movies)" [0020].

The second step of the method recited in claim 1 is "transmitting the program...to a second location geographically away from the first location." Swart teaches methods for distributing multimedia content from the encoder to a user in a geographically different location where the multimedia content is received and decoded by the user. This distribution is accomplished using "communication links included, but not limited to, telephone lines, coaxial cable, fiber-optic cable, wireless connections, wide area networks, the Internet, and other communication media collectively represented b the wide area distribution system" [0038].

The final step of the method recited in claim 1 is "processing the video program with the video conversion information at the second location...whereby the video program can be viewed in the second aspect ratio." Swart et al. teaches this functionality, disclosing that

[d]ecoding of a content file or stream may comprise several processing operations that may include...analog-to-digital conversion, digital-to-analog conversion, packetizing or framing digital data representing content into one or more standard and/or proprietary formats...frame rate translation of video content, video aspect ratio format conversion (e.g., 4x3 television or 16x9 movies), and any required audio and/or video processing. [0064]

Claims 2-8 have been analyzed with respect to claim 1 in that claims 2-8 recite limitations that are inherent in the data transmission and aspect ratio conversion techniques taught by Swart.

Claim 10 recites a "video distribution system that distributes a video program in a first aspect ratio and includes information to convert the first aspect ratio to a second aspect ratio" and includes the limitations that this system includes a "distribution point and a video converter remote from the distribution point." Swart et al. teaches video distribution system in Fig. 1-4 with a distribution point physically remote from the user's decoder. Swart further discloses that the program content file transmitted by this system "may also includes a reference content or metadata that contains additional information related to the content. Such additional information...may include...format (e.g., 4x3 television or 16x9 movies)" [0020].

Claim 11 recites a video display coupled to the video converter. Swart teaches a video display system displaying the decoded and formatted video program in Figures 1-4.

Claims 13 and 14 have been analyzed with respect to claim 10 in that claims 13 and 14 recite limitations that are inherent in the data transmission and aspect ratio conversion techniques taught by Swart.

As to claims 9 and 15-19, the recited "computer readable medium" and "computer data signal" are inherent in the system taught by Swart which requires a "digital communication network" [0022] to distribute program content.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aihara (US Patent 5,856,849), Vuong et al. (US Patent 6,115,072), Zaumen et al. (US Patent 7,234,003), Paz et al. (Pub. No. US2002/0053075), and Feder et al. (Pub. No. US2001/0024239) all disclose information pertinent to the specification and claims put forth in the present application.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Stronczer whose telephone number is (571) 270-3756. The examiner can normally be reached on 7:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Stronczer/


VULLE
SUPERVISORY PATENT EXAMINER